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Scott Pruitt's Reformation

By Kevin Williamson

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The challenge at the EPA is deeper than policy

Des Moines — Scott Pruitt likes coffee. Seriously likes it. He's all riled up and hopped up and caffeinated and talking 100 mph in front of a group of rural electrical co-op officers in Iowa and if we're all telling the truth here seeming just a little bit overstimulated this midmorning in Des Moines when he stops to intone the praises of the glorious steaming cup of coffee he's holding in his hand, obtained from a Scenic Route Bakery down the road. "The problem is that I keep talking, so I don't get to drink it, and I have to keep heating it up." And talk and talk he does, letting his coffee go tepid again, intoning his speech with a lawyer's emphasis on certain words that crop up repeatedly in his description of his mission as the Trump administration's EPA boss: ephemeral and intermittent, for all those drainage ditches and pasture puddles the Obama administration insisted were Waters of the United States — "WOTUS" for short; fanciful, for this and other interpretations of federal statute; and two words that he will repeatedly arrange in opposition to describe what he's up to and the fundamental conflict of visions that is the reason he is (perhaps second after Betsy DeVos) the member of the Trump team who gets most irritatingly up Democrats' noses: stewardship and prohibition.

Stewardship, Pruitt says, is making responsible use of our national blessings, including our natural resources: "Feed the world and fuel the world," he says, over and over. But the Left — and the EPA, which has long been dominated by it — is not interested in stewardship. It's interested in prohibition, in a lot of Thou shalt and a whole heck of a lot more Thou shalt not. "You have two different approaches, two different worldviews, two very different sets of assumptions," Pruitt says.

"One side says we exist to serve creation," he explains. "The other side says creation is there for us to use and manage to the benefit of mankind. Those are competing ideologies, and they drive decision-making. They drive regulation. If you are of the side that says we exist to serve creation, then you have no trouble putting up a fence and saying Do not use. Even though people may starve, may

freeze, though developing countries may never develop their economies. That's something they're comfortable doing, and I think that's wrongheaded."

He shies away from characterizing this as a religious point of view but will allow that it has a deep ethical component. And he doesn't always shy away from the religious overtones, either: He says he is "prayerful" that a reasonable bipartisan consensus on the environment might emerge, and he jokes with a friend later in the day that the difficulties of his job put him in mind of the Book of Joshua: "Choose this day whom you will serve."

Seen from that point of view, what Pruitt is up to at the EPA isn't just reform — it's a Reformation. And he'll preach that gospel up and down I-35 at a number of Iowa events on a bright December day, from the electrical co-op convention to a smaller event at a nearby cattle ranch to a public appearance with Kim Reynolds, the charismatic new governor of Iowa, a Republican and the first woman to hold the job.

But you're probably wondering what the head of the EPA is doing on a tour of Iowa, which is one of those places you usually hit when you're running for president, and nobody seriously thinks Scott Pruitt is running for president.

They think he's running for governor of Oklahoma.

Since his swearing-in last February, Pruitt has made a pretty good tour of the country, touching down in more than 30 states and meeting with people he describes in the invariably saccharine language of modern politics as "stakeholders," which is to say, the people most directly affected by what it is the EPA does all day, about which there has been some dispute — a fair amount of it initiated by Scott Pruitt when he was the attorney general of Oklahoma, in which position he sued the agency on many occasions. There are a few federal agencies — EPA, Education, and Labor prominent among them — toward which the Left takes a proprietary interest, and from the time of Pruitt's nomination his critics insisted that the fact that he had so often sued the agency in an attempt to rein in its regulatory ambitions was in and of itself disqualifying. The unspoken argument there (usually unspoken — not always) is that anybody who is anything other than a progressive crusader cannot legitimately serve as the administrator of the EPA, because the EPA exists to undertake progressive crusades. The same argument is leveled at DeVos, a frequent critic of federal education policy and of the underperforming unionized monopolies that have made the Cleveland public schools what they are.

Pruitt takes a different view. He is, he says, doing the same thing as EPA administrator that he was doing in litigation against the EPA as attorney general in Oklahoma: trying to get it to do its job, to stay within its legal authority, and to abide by the rule of law. Contrary to the cartoon version of him generally offered up in the press, Pruitt in many ways desires to lead the EPA to take stronger positions on some environmental problems, especially air quality. "We still have a lot of work to do on clean air," he says. "The problem is that for the past decade we've been so focused on CO2 that we've

let a lot of other things slide." Regulating the greenhouse gas as "air pollution" was a cherished and ultimately failed priority for the Obama administration, and, in Pruitt's view, this took attention away from more ordinary concerns, such as industrial emissions and smog. "People come to me and say, 'Why don't you do this?' or 'Why don't you do that?' And some of those I would. But Congress hasn't given us statutory authority. If you want to change the policy, you have to change the law."

For example, Pruitt's buddies in Iowa — he seems to know everybody by name and to have had long relationships with many of the people he's meeting — would love to see some changes in the ethanol rules, because the corn-fed economy of Iowa is mad for moonshine. The ethanol industry is characterized by an insane mix of subsidies, mandates, and regulations. Most American gasoline contains 10 percent ethanol, but some of it is 15 percent, which retailers can sell most of the year — but not in the summer. Senator Chuck Grassley of Iowa, along with three corn-state colleagues, has been holding hostage an unrelated energy measure (relaxing Obama-era methane-emission restrictions on drillers) until he gets his way on ethanol. Pruitt is positioned to cut that Gordian knot by simply issuing a year-round waiver on 15E, as the 15 percent–ethanol–blend gasoline is known. That would make his farm-state friends very happy, and it would also be a potential boon to his oil-and-gas allies back home in Oklahoma.

But he isn't sure he can do it. **The administrator of the EPA is himself an endangered species: a Washingtonian who cares whether he actually technically has the power to do what he wants to do.**

"I very much hope we can get there, but it's a matter of whether the statute permits it or not," he told a farm-lobby group earlier this year. The issue is still under consideration. And there's a lot more on the Trump administration's agenda that's of keen interest to Iowa ethanol producers. Right at the very moment the Trump administration is threatening to undo NAFTA, the government of Enrique Peña Nieto has moved to allow the sale of 10E gasoline in Mexico, where ethanol had been capped at 5.8 percent of gasoline blends. Mexico's state-run oil company produces a little bit of ethanol as the result of other petroleum-related activity, but Mexico — which already is the top foreign consumer of U.S. corn — imports much of its ethanol. Guess from where?

It may very well be that Pruitt giveth but Wilbur Ross taketh away.

Pruitt's in an awkward position as I stalk him around Iowa. He gets a lot of bad press, and even if he laughs it off — "It's only the New York Times," he says with a smirk when asked about former New Jersey Republican governor Tom Kean's column calling for his dismissal — he's obviously mindful of the damage the media can do. At the same time, his boss is famously jealous of the spotlight, and good press can be a problem for a member of Donald Trump's administration — especially good press from National Review, a magazine that dedicated a special issue to arguing that Trump is unfit for the office he currently holds. Pruitt, a deeply intelligent man and a natural politician, surely must be mindful of this. But nobody thinks that serving as chief of the EPA is going to be the end of his career in public life — or that he wants it to be. And he does seem to enjoy the heck out of politicking, the glad-handing and the interviews and the standing ovations (of which there are more than one on this particular day in Iowa) and the posing for pictures: "I've always been short of stature," he says while lining up for press

shots with a group of local worthies. "But that's helpful for a politician — I'm always in the front of the picture."

Pruitt, who is not yet 50 years old, has been a politician for a long time, having served in the Oklahoma state senate before being elected attorney general. Oklahoma has a part-time legislature, which left him a fair amount of time for his law practice and his great passion outside of politics: baseball. He owned Oklahoma City's Triple-A affiliate, which was part of the Texas Rangers organization, and he says it was an attractive business: The major-league affiliate picks up most of the payroll, the players and manager, but the local owner gets the sponsorship money and the concessions. When he's asked by a friendly interlocutor what he wishes the reliably critical news media would report about him, he answers: "That I batted .300 for Kentucky." I ask for a fact check on that. "I did a little better, sometimes." A natural politician with roots in the energy business who owned a baseball team? He shrugs off comparisons with George W. Bush. "Other than that . . ."

He didn't summer in Kennebunkport. He came up hard in Kentucky, with teenage parents and tight finances, and he spent a great deal of time with his grandfather, a Teamster. He played baseball at Kentucky on a scholarship, but that ran out after his sophomore year, at which point he transferred to Georgetown — not the prestigious university in Washington, but a small Baptist liberal-arts college in Kentucky. Around that time, it started to sink in for him that baseball was not going to be his future, and he settled on the idea of law school but took two bachelor's degrees first. There was an opportunity at the University of Oklahoma law school, and he's been singing "Boomer Sooner" ever since.

Oklahoma was good to him, and instead of a politician's blue suit and solid tie he sports a rich guy's wardrobe — fine dark sports coat, expensive-looking tie, big watch — along with a rich guy's confidence. But he remembers a very different milieu back in Kentucky, and **he seems genuinely ticked when he talks about progressive do-gooders who never think about what their policies would do to the grocery and electric bills of people struggling to keep it together financially.**

"The mindset is very arrogant and very elitist," he says. "And who benefits? The elite. The folks who can least afford those kinds of decisions pay the most. Go look at Ceausescu's Romania. They regulated the wattage of bulbs and told you when to turn out the lights. You know why? Because they wanted to reserve power for the elite."

Which is to say, he speaks fluent Trumpkin, and his allies in Iowa are, as is typical with populists, a mix of down-home and serious money. At a local farmhouse, he's served a very Iowa-looking lunch — meat and potatoes and gravy, rolls and butter, green beans, salad, shortbread, and some local Norwegian-American cream roll that everybody raves about, all of it presented by the blue-jacketed young ladies of the Future Farmers of America, overseen by a caterer wearing a jacket emblazoned with the eternal words of wisdom: Mind your own biscuits and life will be gravy. They say grace, and a Secret Service guy dressed down for the occasion (meaning brown shoes instead of black) hovers discreetly off stage right. There's more security at the door. A veteran of untold numbers of rubber-chicken political dinners, Pruitt puts his head down and eats like he means it when someone else takes the floor, but he more than holds up his side of the conversation. These people did not come for idle chitchat. His hosts and

their guests are far from what people who don't know much about Iowa farmers would imagine Iowa farmers to be like: They are serious beef and commodity producers who are overseeing millions of dollars in capital and who have detailed questions and complex public-policy concerns. There is a positively Hayekian exchange about policy uncertainty regarding ethanol-volume obligations and interpretive conflicts between statutes and regulations. This **is Pruitt's element, and he respects his hosts enough to forgo pretending that there are easy answers to their concerns or that they're going to get everything they want — even if he were personally inclined to give the Iowans their way on every jot and tittle, he's serious about hewing to a conservative interpretation of his legal power.**

That's an ongoing concern. And for that reason, his regulatory-reform agenda is moving slowly. WOTUS and the Clean Power Plan are going to be reformed — there are executive orders to that end — but none of that has actually happened yet, as **Pruitt's EPA slowly works through what its statutory authority is, what's consistent with the law, and what's reasonable. As Pruitt points out, it isn't as though the plan is to replace the current interpretation of WOTUS with nothing. "We aren't deregulating," he says. "We're regulating in accordance with the law." The United States is out of the Paris agreement, thanks in no small part to Pruitt's countervailing influence on the president,** who nearly was convinced by his daughter and son-in-law to break his campaign promise to quit the global-warming accord. **Pruitt has ended the "sue and settle" process under which the EPA effectively outsourced regulation to activist groups and paid them for the courtesy, and he has barred, as an obvious conflict of interest, parties receiving EPA grants from serving on EPA advisory panels. He is rhetorically sharp, but his administration so far has been far from slash-and-burn.**

And that's worth understanding about Scott Pruitt. His critics may dismiss him as a creature of oil and gas, as an ogre who is willing to see the water and air despoiled in the service of his corporate allies, but he is in fact a true believer. He's serious about this rule-of-law stuff. He's the last thing the Left expects to see in a Trump appointee: principled.

Which is not to say he isn't squirrelly. He's plenty squirrelly. After he's done with his public events, we meet for more of that coffee he was talking about: His tipple is called the "Honey Bee," and it's a concoction of espresso, honey, and cinnamon. "You're going to like this," he promises. **He talks easily and with great command of the relevant policy details but is extraordinarily guarded about many things.** Strangely, he refuses to answer the question when I ask him whether he actively sought his current job as administrator of the EPA or the Trump administration came to him. He doesn't seem like the sort of man who'd be ashamed of a little hustle, but the question momentarily interrupts his equanimity. "It . . . was . . . a conversation," he says. "A process."

Well, isn't everything? Presumably, Pruitt's taciturnity on the question is an artifact of his having been a Jeb guy rather than a Trump guy early on. **But there's no question that Pruitt is fully on the Trump team now.**

He is genuinely excited about the possibilities we have for improving the environment. He speaks at some length about Disney's arrangement with Harvest Power, an alternative-power company that takes the Magic Kingdom's food waste and uses it to generate electricity that it sells back to Disney. "What

was even more impressive **was to spend time with the Disney employees, because they understand that this is purposeful." That's another one of those words he keeps coming back to: purposeful.** "A lot of times, we think of recycling as being charitable without realizing it can be purposeful, that it can truly contribute something. For example, over 20 percent of our landfills in this country are food waste. That's a lot. If we made progress with respect to how we deal with food waste in a more productive way, it would have a tremendous impact on the environment." **He is unsparing in his assessment of the Obama administration, which he views as having been so strangled by its ideological commitments that it not only deformed the EPA but also failed to achieve any number of realistic, near-term environmental goals. He has been visiting Superfund sites and insisting that the involved parties come up with plans to get them "mediated," as they say, meaning cleaned up and detoxified enough that they're no longer on the long list of permanent federal environmental emergencies.**

"If you look at the previous administration's environmental record, I would be hard pressed to point to any successes. If their goal was to use their authority to pick winners and losers in the marketplace and shut down sectors of the economy, they were prevented ultimately" — by a lot of lawsuits filed by Scott Pruitt and others — "but they made progress toward that end. But you look at air-quality standards, water quality, land remediation, the Superfund sites, they did not achieve very much." There is, he says, an opportunity for bipartisanship. "The criticism of Paris was as strong on the left as it was on the right. You're going to allow China to skate until 2030? Allow India to skate until 2030? It was all a bumper sticker, and that's all it was. **The previous administration was all talk, very little action. We're trying to focus on results.** We're going to get results on land remediation under Superfund. What's so radical about that? We're going to focus on air quality and measure that every single day. What's so radical about that?" Though he doesn't put it exactly this way, what Pruitt really objects to is repurposing environmental policy as industrial policy, as backdoor central planning. Alternative fuels and clean energy are all good and fine, but the Obama administration's Clean Power Plan wasn't about that: It was about bankrupting the coal industry. "Generation-shifting is not at all consistent with the authority given to the agency," Pruitt says.

And there is the question of what Robert Higgs calls "regime uncertainty."

"We have private-property rights here," Pruitt says, warming to his subject. "Those folks who have natural gas, coal, other resources — that's their asset. They own the mineral rights. The United States government does not. Should we be able to use our authority to take that natural resource away? It's not just a philosophical discussion. It's also recognizing that private-property rights and the self-governing principles that we have lived under as a country are actually the greatest asset we have to improve environmental outcomes. You look at countries that are top-down, like China or former Communist countries: How do they do with the environment? Not very well." But it's a different world in the Asia of today. "India's going to use its natural resources. China as well. Our goal should be to partner with them and export our technology and innovation to help them. We can also export hydraulic fracturing and horizontal drilling to help them understand how to get to those resources." Exporting fracking: You can see why Al Gore is probably not going to send Scott Pruitt a big bouquet of flowers for Valentine's Day.

Not that Pruitt is going to notice. He lives in a different and much more concrete world: so many acres of corn, so many tons of food waste, so many cubic feet of natural gas. He returns to stewardship-versus-prohibition.

"There are two tracks to the dialogue. One track is more granular in the sense that we talk about process, statutory authority, rule-making, those sorts of issues. There should be much more understanding, in my view, of how those things should work. We can't just say, 'Well, the Clean Air Act in Section 111 doesn't give us the authority to do this, but we think it's the right thing, and so we're going to do it anyway.' There ought not to be any departure on things as fundamental as the rule of law. But when you talk about the other issue" — the question of whether we were made for creation or creation was made for us — "we need to have that discussion. What do we as a culture, as a nation, believe about this? And that's the question I've been asking everywhere I go."

Where he's going next is an interesting question, too.